INTER-OFFICE COMMUNICATIONS

JUN 11 1985

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Max Rudmann, Asst. Attorney General
Captain Cook, Sheriff's Dept. -Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Maureen Cullen - ,Assistant County Attorney
Patty Young -4th District Court of Appeals
Law Library
County Library
Charlie Walker, Traffic Dept.

DATE: June 10, 1985

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO. 85-12

TITLE REFERENCE: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE PROHIBITION OF THE SOUNDING OF RAILROAD TRAIN HORNS AND WHISTLES BETWEEN 10:00 P.M. AND 6:00 A.M. AT ALL PUBLIC AT-GRADE CROSSINGS HAVING TRAIN ACTIVATED AUTOMATIC TRAFFIC CONTROL DEVICES WHERE THE COUNTY HAS ERECTED TRAFFIC SIGNS ANNOUNCING TO MOTORISTS THAT RAILROAD TRAIN HORNS AND WHISTLES WILL NOT BE SOUNDED DURING SAID HOURS

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is June 6, 1985 at 12:56 P.M.

Signed Lorie Clinger
Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

ORDINANCE NO. 85-12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR THE PROHIBITION OF THE SOUNDING OF RAILROAD TRAIN HORNS AND WHISTLES BETWEEN 10:00 P.M. AND 6:00 A.M. AT ALL PUBLIC AT-GRADE CROSSINGS HAVING TRAIN ACTIVATED AUTOMATIC TRAFFIC CONTROL DEVICES WHERE THE COUNTY HAS ERECTED TRAFFIC SIGNS ANNOUNCING TO MOTORISTS THAT RAILROAD TRAIN HORNS AND WHISTLES WILL NOT BE SOUNDED DURING SAID HOURS

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida is authorized pursuant to Section 1 and 6, Article VII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt ordinances; and

WHEREAS, the 1984 Florida Legislature enacted Chapter 84-73, General Laws of Florida, to permit a county to unconditionally prohibit the sounding of railroad train horns and whistles during the hours of 10:00 p.m. to 6:00 a.m. at all public at-grade crossings having train activated automatic traffic control devices where the County has erected traffic signs announcing to motorists that railroad train horns and whistles will not be sounded during said hours; and

WHEREAS, it appears to be in the best public interest of Palm Beach County that this ordinance be enacted to enhance the peace and tranquility of the community.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA that:

Section 1.

It shall be unlawful for a railroad train, approaching a public at-grade crossing having train activated automatic traffic control devices, including flashing lights, bells and crossing gates, to emit an audible warning signal in advance of said intersection between the hours

of 10:00 p.m. and 6:00 a.m. This prohibition shall not apply to any such intersection where the County has failed to erect traffic signs in accordance with state law announcing to motorists that railroad train horns and whistles will not be sounded during said hours.

Section 2.

The County Engineer shall identify all railroad crossing intersections within the County which are signalized with train-activated automatic traffic control devices including flashing lights, bells and crossing gates. Prior to July 1, 1985, 1985, the County Engineer shall cause to be erected at all such intersections traffic signs in accordance with state law announcing to motorists that railroad train horns and whistles will not be sounded during the hours between 10:00 p.m. and 6:00 a.m.

Section 3.

The County Engineer shall notify all railroad companies operating within the state of the enactment of this ordinance.

REPEAL OF LAWS IN CONFLICT

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provisions of this ordinance are hereby repealed.

SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

INCLUSION IN THE CODE OF LAWS AND ORDINANCES

The provisions of this ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 21 day of MAY, 1985.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By _____
Chairman

MAY 21 1985

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

_____
County Attorney

Acknowledgement by the Department of State of the State of Florida, on this, the 31st day of May, 19 85.

EFFECTIVE DATE: Acknowledgement from the Department of State received on the 6th day of June, 19 85, at 12:56 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on May 21, 1985
DATED at West Palm Beach, FL on 6/10/85
JOHN B. DUNKLE, Clerk,
By: Lorie Clinger D.C.
Deputy Clerk

JOHN B. DUNKLE, CLERK
Board of County Commissioners
By _____
DEPUTY CLERK